

# **Exhibit**

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September 22, 2005

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**BY FACSIMILE (312-861-2200)**

Kevin S. Ueland  
Kirkland & Ellis LLP  
Aon Center  
200 East Randolph Drive  
Chicago, IL 60601

Re: *Braun v. Rayovac, Civil Action No. 03-CV-12428-WGY*

Dear Kevin:

I am writing in response to your letter of this afternoon, concerning the case study referenced in the Deposition of Gilbert Greaves.

First, I take very seriously your charge that Braun has deliberately destroyed documents. Let me say that Braun has not undertaken to destroy documents during this litigation and the implication in your letter that it has is unfounded and, in any event, erroneous. Braun has instructed its employees, in particular all of its employees who have a responsibility for the cleaning center products, not to destroy any documents relating to those products.

Second, the case study as described by Mr. Greaves during his deposition was a case study presented to the VDI, an outside institute, concerning the commercial success of Braun's Clean & Charge products. Given the extensive testimony by Rayovac's witnesses that these products have been successful and the corroboration in Rayovac's internal documents that Rayovac considered Braun's products to be successful, the fact that the Braun products have been commercially successful is undisputed. Thus, I question the implication of your letter that the case study is critical in any respect to any remaining issues in this matter.

Third, Mr. Greaves testified that he believed that the case study was electronically stored on his computer at Braun at the time he retired. As I thought was clear in my earlier letter, Braun has searched there as well as in the central storage computer at Braun. Braun has also searched the files of Messrs. Landmann and Hegele, with whom Mr. Greaves testified he collaborated in composing the case study. Simply, Braun has not found the document.

Kevin S. Ueland

- 2 -

September 22, 2005

Please call me immediately if you have any remaining questions in this regard.

Very truly yours,

  
Dalila Argaez Wendlandt

DAW/dmr

cc: William L. Patton  
Stanley D. Liang  
Daniel J. Maher